

REMARKS

The Examiner has rejected Claims 1 through 4 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 2 have been amended to remove the rejected language. Claims 3 and 4, being dependent upon Claims 1 and 2 are, of a matter of course, amended.

The Examiner next rejects Claims 2 and 3 under 35 U.S.C. 102(b) as being anticipated by Pleasant (5,261,806). The Examiner states that "Pleasant teaches . . . a first insulator dielectric plate (Fig 1, the plate with #70) having a temperature sensor there in (fig, #70)". Pleasant does teach the use of an insulator (See # 48, Figure 3, and Col. 3, lines 57 - 60), but it is not a dielectric insulator plate. There is no teaching in the Pleasant specification that the piece of material in which #'s 56, 58 and 70 are housed is of any particular metal, and no mention or reference is made to a dielectric material. Actually, there is no teaching whatsoever what that piece of material is. Absent any specific teaching of what the material actually is, the holding that the material containing the heating and insulating elements is a dielectric material can only be by an assumption.

The teaching of the Pleasant patent indicates that #48 (Figure 3) is an insulator. One can see that #48 is a distinct, thin, element surrounding the cylindrical heating element. To have the holding structure also a dielectric material would be to have an insulator held by an insulator. This is not taught in the Pleasant patent.

The same arguments can be made in reference to the Examiner's holding that there is a teaching in Pleasant that there exists a second dielectric insulator plate.

As argued previously, in the '806 patent Pleasant teaches an electrically heated mold insert. Pleasant does not teach a U-shaped shim. Figure 1 is referenced by the Examiner. The structure that Applicant takes to be referenced as the U shaped shim is the structure that houses #'s 56, 58, 70, and 82. While at first glance the structure appears to be a U shaped component, a study of the drawing demonstrates a bridge of material between both lateral sides, making the surface continuous. If that structure is anything, it is "O" shaped. A side cross-sectional view, Figure 3, demonstrates the continuity of that component, enveloping the #'s 56, 58, 70, and 82 on three sides.

As argued previously, Pleasant teaches a heating tube #32 surrounded by a insulating tube #48. Pleasant does not a "generally rectilinear" heating plate.

The Examiner has rejected Claims 2 and 4 under 35 U.S.C. §102(b) as being anticipated by Stavitsky (US 4,462,780). Examiner refers to the '780 patent teaching a U-shaped shim at Fig 1, # 104. The Stavitsky patent refers to 104 as a base plate (Col. 3, Line 49). Stavitsky describes his base plate as "The base plate 104 is similar to the base plate 16 in that it has opposed inner and outer surfaces 110 and 112 with a mold cavity 114 in the inner surface 110 which mates with the mold cavity 26 to form an overall mold cavity of the size and shape of the article to be molded. The outer surface 112 has an annular recess 116 therein which provides the base plate 104 with a central cylindrical hub 118 and an outer cylindrical rim 120" (Col. 3, Lines 48-58). Stavitsky does not teach a U-shaped shim. While in Figure 1 of the Savitsky patent, the cross section of the #104 plate might appear to be U shaped, the reality of the entire structure (compare with Figure 2, Stavitsky) has a round configuration with concentric depressions and elevations. In addition, the word "shim" means "a thin slip or wedge of metal, wood etc., for driving into crevices, as between machine parts to compensate for wear, or beneath bedplates, large stones, etc., to level them." (Webster's unabridged Dictionary) In the general usage "shim" means something that takes up space. In the present invention the U shaped shim takes up the space between the two plates, the end plate and the #360 plate. The purpose of the U

shaped shim is to take up the space on the contact surfaces of the U, thereby forming an opening to the outside for the extrusion of material. The U shaped shim of the present application is flat and planar, while the #104 plate is not so configured. Also, the shim of the present application takes up space in that device, whereas the #104 plate is an actual functioning component of the Stavitsky patent teaching. Stavitsky does not teach implicitly or explicitly a slot or passage way (which would be part of the U-shaped shim) in the device. Stavitsky does teach a device that couples together to form a mold for an item. Stavitsky does not teach a device that would extrude molten material, as is taught by the present invention.

Stavitsky does not teach the use of a first or second dielectric plate, nor does Stavitsky teach any type of material being used for the construction of the device. Stavitsky does teach the use of hot water, or steam to provide heat to the mold. The applicable definition of a dielectric is that which is an insulator. The Examiner takes the position that because the plates of the Stavitsky patent are not conducting electricity, but rather are conducting water temperature, they are dielectric. That would assume that anything that is not in the presence of an electrical charge is a dielectric material. Stavitsky lacks the teaching of the use of a dielectric material for the fabrication

of an insulator plate. Stavitsky does not teach a first insulating plate, nor does Stavitsky teach the use of a second insulating plate. In fact, no mention is made in the Stavitsky patent regarding insulating plates. Like Pleasant, *supra*, Stavitsky does teach a molding device that has several plate-like components. However, Stavitsky does not teach the use of a dielectric plate. The Stavitsky device utilizes either a gas or liquid to effectuate heat control of the device. "Inlet and outlet tubes 60 and 62 are secured in the ends of the inlet and outlet passages 52 and 56, respectively, and extend through the radial passages 56 where they are connected to a source of a temperature control medium" (Col 2, Lines 56-59). "A tube 100 is within the passage 98 and feeds a cooling medium, such as a gas or liquid, into the passage 98 to cool the core pin 96" (Col 3, Lines 39-41).

The Stavitsky patent functions in a manner different from the teachings of the current application. Stavitsky teaches, "[a]fter the mating mold cavities are completely filled with the molding material, the flow of the heated temperature control medium is stopped and a cooler temperature control medium, such as tap water, is flowed through the grooves 36 and 124. This will cool the mold cavities 36 and 124 so as to harden the molding material within the mold cavities" (Col. 5, Lines 15-21). This function is totally different from that taught by the

present invention, which teaches heating a molding material and having it flow out of the die in a molten state.

The applicant, therefore, requests that the Examiner deem this amendment to be fully responsive to all objections and rejections put forth in the office action of 10 April, 2006. The applicant requests that the Examiner withdraw all objections and rejections and pass this application forward to issue.

Respectfully submitted,



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